

Paper No. None

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OFFICE OF PETITIONS

In re Application of
Masahiko Mihara
Application No. 09/381,598
Filed: September 20, 1999
Attorney Docket No.: 350292000800
Title: PREVENTIVES OR REMEDIES FOR
SENSITIZED T CELL-RELATED
DISEASES CONTAINING IL-6
ANTAGONISTS AS THE ACTIVE
INGREDIENT

DECISION ON PETITION UNDER
37 C.F.R. §1.137(b)

This is a decision on the petition filed March 31, 2004, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. §1.113 in a timely manner to the final Office action mailed March 11, 2003, which set a shortened statutory period for reply of three (3) months. On September 15, 2003, a three-month extension of time was received², along with an after-final amendment. The after-final amendment failed to place the application in condition for allowance, and on January 28, 2004, an advisory action was mailed. No further responses were received, and no further extensions of time pursuant to 37 CFR §1.136 were obtained. Accordingly, the above-identified application became abandoned on September 12, 2003.

¹ A grantable petition pursuant to 37 CFR §1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to paragraph (d) of this section.

submitted the appropriate fee, paid the petition fee (both have been charged to Petitioner's Deposit Account, as authorized in the petition), and made the proper statement of unintentional delay.

Accordingly, the petition is **GRANTED**.

The Notice of Appeal filed on March 31, 2004, has been entered and made of record. Accordingly, **the two (2) month period for filing the Appeal Brief, in triplicate, accompanied by the fee required by law, runs from the mailing date of this decision.**

The application file is being forwarded to Technology Center 1600 for processing of the Notice of Appeal.

Telephone inquiries *concerning this decision* should be directed to the undersigned at (703) 305-0011.



Paul Shanowski
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